

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6070

BILL NUMBER: HB 1284

DATE PREPARED: Jan 31, 2002

BILL AMENDED: Jan 30, 2002

SUBJECT: Corrections to HEA 1806-2001.

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FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) It creates a provision for constant supervision of violent offenders and flight risks on home detention:

(1) as a condition of pre-trial release; and (2) as a condition of parole.

(B) It requires the Department of Correction, probation departments, and community corrections programs to develop written criteria and procedures to determine if an offender placed on home detention as a condition of pre-trial release or parole is a violent offender or flight risk.

(C) It requires that an entity monitoring a violent offender: (1) provide local law enforcement agencies with information indicating whether an offender on home detention is a violent offender; (2) forward a photograph of the offender to local law enforcement; and (3) cause a law enforcement agency to be contacted first if a violent offender or flight risk violates a condition of home detention.

Effective Date: July 1, 2002.

Explanation of State Expenditures: (Revised) Provision A: The Department of Correction (DOC) would likely incur additional costs associated with two aspects of this bill. First, parole agents currently do not monitor offenders on a constant basis. Consequently, DOC would need to either add staff to monitor offenders on parole at night or renegotiate its contract with the Volunteers of America to provide the additional monitoring needed under this bill. DOC also indicates that a monitoring device to maintain constant supervision of violent offenders on parole would be a global positioning system. In addition, some administrative costs may be incurred by the Parole Board and the Department of Correction in developing criteria and procedures and a record keeping system for determining whether an offender is a violent offender.

Background: The Department of Correction (DOC) currently contracts with two agencies for drug testing, electronic monitoring, residential supervised housing, and sex offender treatment for paroled offenders. Volunteers of America provides electronic monitoring and day reporting on a statewide basis for parolees

who have substance abuse problems. The Volunteers of America also has a residential component primarily used for parolees in the Indianapolis District. DOC contracts with Liberty Health as part of DOC's Sex Offender Management and Monitoring Program.

While the contractors are acting on behalf of the DOC, each offender is assigned to a parole agent. In addition, each parole agent makes all relevant supervision decisions such as submitting parole violation reports, and recommending offenders for discharge from supervision.

DOC also indicates that the parole staff have arrangements with several law enforcement agencies across the state concerning the notification of the release of offenders on parole. As an example, Marion County requests that all offenders on parole or probation register with the Indianapolis Police Department regardless of offense. DOC assists with this process. Other individual counties have requested updated lists of parolees, which are generally provided directly by the supervising agents. The Department also runs a list of upcoming release dates from the Offender Information system that is sometimes requested from a county. DOC staff also regularly meet with the Indianapolis Police Department to update their violent persons list, which documents information on approximately 200 offenders considered high risk in Marion County.

DOC reports the number of offenders who have been released on parole during FY 2001 with their most serious offense as the following.

Offense Description	Code Cite	Male	Female	Total
Murder	IC 35-42-1-1	36	3	39
Voluntary Manslaughter	IC 35-42-1-3	21	2	23
Involuntary Manslaughter	IC 35-42-1-4	6	1	7
Reckless Homicide	IC 35-42-1-5	17	2	19
Battery	IC 35-42-2-1	234	10	244
Domestic Battery	IC 35-42-2-1.3	0	0	0
Aggravated Battery	IC 35-42-2-1.5	25	1	26
Kidnaping	IC 35-42-3-2	3	0	3
Rape	IC 35-42-4-1	58	0	58
Criminal Deviate Conduct	IC 35-42-4-2	9	0	9
Child Molesting	IC 35-42-4-3	156	3	159
Robbery (FA or FB)	IC 35-42-5-1	194	10	204
Arson	IC 35-43-1-1	22	0	22
Burglary (FA or FB)	IC 35-43-2-1	259	6	265
Escape/Failure to Return	IC 35-44-3-5	65	8	73
Stalking	IC 35-45-10-5	6	0	6
Total Released to Parole		1,111	46	1,157

Provision C: HEA 1806-2001 specified that offenders who violate either a home detention order or who intentionally remove an electronic monitoring device can be prosecuted for criminal escape, a Class D felony. This section would limit criminal escape to intentionally removing an electronic monitoring device to a Class D felony. This section could marginally reduce future prison commitments.

Explanation of State Revenues:

Explanation of Local Expenditures: Provision A: Current law requires any person assigned to home detention to be monitored 24 hours per day if the person has either been convicted of being or alleged to be a violent offender. Provision A creates a new section specifically for persons alleged to be violent offenders who are assigned to a pretrial release program. Consequently, there would be no fiscal impact associated with this requirement.

Explanation of Local Revenues:

State Agencies Affected: Parole Board, Department of Correction.

Local Agencies Affected:

Information Sources: Department of Correction.